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Appl. No. 10/797,294
Amdt. Dated December 6, 2007
Reply to Office Action of October 9, 2007

• • • R E M A R K S / A R G U M E N T S • • •

The Official Action of October 9, 2007 has been thoroughly studied. Accordingly, the following remarks are believed to be sufficient to place the application into condition for allowance.

By the present amendment independent claim 11 has been changed to recite that the rotatable cam is selectively rotated independently of the first head restraint support between a latched position in which a portion of the first head restraint support is "*engaged by an end surface of the rotational cam and thereby locked against pivotal movement*" and an unlatched position in which the portion of the first head restraint support can pivot *immediately* over the cam.

Support for this limitation that has been added to independent claim 11 can be found the third full paragraph on page 4 which describes the engagement between the end of cam 30 and surface 25 on the bottom portion of head restraint support 12 in reference to Fig. 12 and the manner in which the bottom portion of head restraint support 12 rides over cam 30 (i.e. is immediately above the cam) as illustrated and discussed in reference to Figs. 4-7.

Further the claims have been changed to recite that the head restraint support(s) have a first elongate portion for receiving a bun thereon and a second portion which cooperates with the latch mechanism. This change is fully supported by the original specification and can be readily seen in

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the drawings. This change helps distinguish over the prior art as relied upon by the Examiner for the reasons noted below.

Finally, claim 29 has been changed to depend from claim 13.

Entry of the changes to independent claim 11 is respectfully requested.

Claims 11-18 and 20-32 are pending in this application.

Claims 12-18 and 20-32 stand rejected under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner has correctly noted that the phrase "movable member" in claim 12 lacked antecedent basis.

In response to the rejection of claims 12-18 and 20-32 stand rejected under 35 U.S.C. §112, second paragraph, claim 12 has been amended to avoid the antecedent basis problem noted by the Examiner.

Claims 11-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0067874 to Kamrath et al.

Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamrath et al. in view of U.S. Patent No. 6,183,045 to Marfilus et al.

On page 3 of the Office Action the Examiner has indicated that claims 17, 18 and 20-23 would be allowable if rewritten to overcome the outstanding rejection under 35 U.S.C. §112, second paragraph and to include all the limitations of the base and any intervening claims.

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For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art of record and therefore, each of the outstanding prior art rejections should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Kamrath et al. as showing:

...the use of a first and second head restraint support (31) for a foldable head restraint, the head restraint support comprising a bracket (32), and a latch mechanism (30) for locking the head restraint support. The latch mechanism comprises a rotatable cam (40) that is selectively rotated independently of the head restraint (via clutch 38) between latch position and an unlatch position, whereby a portion of the head restraint can pivot over the cam in the unlatch position (see Fig. 14). A movable member (34) is integrally formed with the head restraint. A rotational bar (36) extends through the first and second head restraint (via the bracket 34) in order to allow the head restraint to rotatable about the bar.

It is noted that the Examiner has relied upon Kamrath et al. as teaching a "rotatable cam (40)."

As clearly depicted and described, cam 40 is a slot that is provided in clutch 38 through which pin 42 extends and along which slot pin 42 slides. Pin 42 is extends through hole 74 provided in rotatable shaft 36 and into cam "slot" 40.

In contrast to cam 40 of Kamrath et al., applicants' cam 30, as depicted, is a planar structure that has a pivot end through which cam pin 36 passes and provides an axis about which the free end of the cam can rotate. The free end of the cam 30 can rotate into a latch position in

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which the surface of the free end engages surface 25 on the second portion of the head restraint support as show in Fig. 3 and described in the third full paragraph on page 4.

It is clear that the cam "slot" 40 of Kamrath et al. is neither structurally similar to applicants' cam 30 nor cooperates with the other elements and functions in a manner similar to applicants' cam 30.

In order to had the claims recite structural and functional features which are directed to these differences noted above, independent claim 11 has been changed to recite that the rotatable cam is selectively rotated independently of the first head restraint support between a latched position in which a second portion of the first head restraint support is "*engaged by an end surface of the rotational cam and thereby locked against pivotal movement*" and an unlatched position in which the portion of the first head restraint support can pivot *immediately* over the cam.

Cam "slot" 40 of Kamrath et al. does not have an "end surface" let alone an end surface that engages a portion of the head rest prongs 31 (construed by the Examiner to be applicants' claimed head restraint supports).

It is further noted that there is no (second) portion of the head rest prongs 31 (construed by the Examiner to be applicants' claimed head restraint supports) that pivot immediately over cam "slot" 40 of Kamrath et al.

In this regard it is noted that while the Examiner has referenced head rest prongs 31 (as "head restraint supports"), the Examiner states that:

...whereby a portion of the *head restraint* can pivot over the cam in the unlatch position (see Fig. 14).

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Here the Examiner seems to have abandoned reference and reliance upon head rest prongs 31 ("head restrain supports") and now relied upon some other more general structure of Kamrath et al. (i.e. the "head restraint") as pivoting over cam "slot" 40.

However, it is not seen in Fig. 14 or any of the figures where there is any structure that pivots over cam "slot" 40 which perhaps the exception that a portion of the clutch 38 might be construed as having pivoted over cam "slot" 40 in Fig. 14.

However, there is no portion of the head rest prongs 31 ("head restrain supports") that pivot over cam "slot" 40, let alone pivot immediately over cam "slot" 40 after having been engaged by and "end surface" of cam "slot" 40 as required by applicants' independent claim 11.

It is thus believed that the changes to the claims distinguish over Kamrath et al.

The Examiner has relied upon Marfilus et al. as teaching a stabilizer bar and has taken the position that it would have been obvious to modify the head restraint of Kamrath et al, to include the stabilizer bar of Marfilus et al.

The Examiner's further reliance upon Marfilus et al. does not address or overcome the distinctions between Kamrath et al. and the present invention as discussed above.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

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Moreover, the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

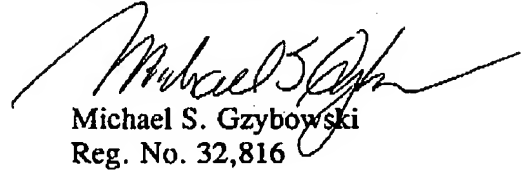
If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension

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of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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